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Remarks:

Regarding the objection to claim 3:

The applicant thanks the Examiner and pointing out the typographical error in the claim. The amendments to claim 3 presented herein are believed to fully address and overcome this shortcoming in the claim.

Regarding the rejection of claim 3 under 35 USC 112, 2nd paragraph:

The amendments to claim 3 presented herein which rewrite the claim so to remove the term "may" are believed to fully address and overcome the rejection to the claim.

Regarding the rejection of claims 1, 3-5 under 35 USC 102(b) in view of GB 1601123 to Sheridan (hereinafter simply "Sheridan"):

The applicant's amendment to claim 1 is believed to overcome the Examiner's grounds of rejection and render it moot. Withdrawal of the rejection is respectfully requested.

Regarding the rejection of claims 1, 3-5 under 35 USC 102(b) in view of US 5026551 to Yorozu et al (hereinafter simply Yorozu):

The applicant's amendment to claim 1 is believed to overcome the Examiner's grounds of rejection and render it moot. Withdrawal of the rejection is respectfully requested.

Regarding the rejection of claim 2 under 35 USC 103(a) in view of Sheridan further in view of US 3943243 to Kook (hereinafter simply "Kook"):

Prior to discussing the merits of the Examiner's position, the undersigned reminds the Examiner that The determination of obviousness under § 103(a) requires consideration of the factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1 [148 USPQ 459] (1966): (1) the scope and content of the prior art; (2) the differences between the claims

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and the prior art; (3) the level of ordinary skill in the pertinent art; and (4) secondary considerations, if any, of nonobviousness. *McNeil-PPC, Inc. v. L. Perrigo Co.*, 337 F.3d 1362, 1368, 67 USPQ2d 1649, 1653 (Fed. Cir. 2003). There must be some suggestion, teaching, or motivation arising from what the prior art would have taught a person of ordinary skill in the field of the invention to make the proposed changes to the reference. *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988). But see also *KSR International Co. v. Teleflex Inc.*, 82 USPQ2D 1385 (U.S. 2007).

A methodology for the analysis of obviousness was set out in *In re Kotzab*, 217 F.3d 1365, 1369-70, 55 USPQ2d 1313, 1316-17 (Fed. Cir. 2000) A critical step in analyzing the patentability of claims pursuant to section 103(a) is casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. Close adherence to this methodology is especially important in cases where the very ease with which the invention can be understood may prompt one "to fall victim to the insidious effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher."

It must also be shown that one having ordinary skill in the art would reasonably have expected any proposed changes to a prior art reference would have been successful. *Amgen, Inc. v. Chugai Pharmaceutical Co.*, 927 F.2d 1200, 1207, 18 USPQ2d 1016, 1022 (Fed. Cir. 1991); *In re O'Farrell*, 853 F.2d 894, 903-04, 7 USPQ2d 1673, 1681 (Fed. Cir. 1988); *In re Clinton*, 527 F.2d 1226, 1228, 188 USPQ 365, 367 (CCPA 1976). "Both the suggestion and the expectation of success must be founded in the prior art, not in the applicant's disclosure." *In re Dow Chem. Co.*, 837 F.2d 469, 473, 5 USPQ2d 1529, 1531 (Fed. Cir. 1988).

With respect now to Sheridan, as the Examiner has correctly pointed out, that reference fails to disclose or suggest lavatory blocks or tables which necessarily comprise a bleach

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constituent. The Examiner next relies upon Kook to supplement this defect in the Sheridan reference.

Sheridan clearly requires a combination of at least two alkanolamides, and as a "surface active component", viz, a surfactant, an nonionic surfactant, as noted at page 2 of his specification:

- (i) one or more fatty acid dialkanolamide, and
- (ii) one or more alkoxyated fatty acid monoalkanolamide containing from 1 to 4 moles alkylene oxide per mole, this mixture containing the two types of alkanolamide in a weight ratio of from 1:4 to 1:0.5 dialkanolamide (i): alkoxyated monoalkanolamide (ii);
- 5 (b) as the hydrophilic surface-active component, from 200 to 50 parts by weight of one or more ethylene oxide/propylene oxide copolymer which is based on a polypropylene glycol with a molecular weight of at least 1,000, contains at least 50 wt % ethylene oxide, and has a molecular weight of at least 4,000; and 5

This latter constituent is more specifically described later at page 2:

The hydrophilic component, which is primarily responsible for the cleaning activity of the compositions, is one or more ethylene oxide/propylene oxide copolymer, preferably a block copolymer. This component is also a conventional nonionic surface active material. Conveniently it is based on a polypropylene glycol having a molecular weight of up to 2,500 (preferably 1,700), may contain up to 90 wt % ethylene oxide (preferably 80 wt %), and has a molecular weight of up to 12,000 (preferably 8,000). In practice, of course, the copolymers used are mixtures of materials which have the chosen figures as an average. A typical ethylene oxide/propylene oxide block copolymer is that sold under the name MONOLAN 8000E/80 (which has a molecular weight of 8,000, an ethylene oxide content of 80 wt %, and is based on a polypropylene glycol of molecular weight 1,700). (MONOLAN is a Registered Trade Mark).

Sheridan does not disclose the utility of further deterative surfactants, but as is clear from the first of the two foregoing passages critically requires adherence to the requirement of mixed alkanolamides further in conjunction with his specifically identified nonionic surfactant. Thus it is quite clear that Sheridan expressly requires at least these three constituents as essential to his block compositions.

The applicant further points out that with respect to the method of manufacture, Sheridan's compositions are necessary "cast blocks", which requires the formation of a liquid composition which can then be poured into suitable molds. Sheridan describes such at page 3 wherein he discusses:

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40 In order to prepare the compositions of the invention the various ingredients may simply be mixed together with gentle heating to about 60°C to form a melt, this melt then conveniently being cast into tablets or blocks of an appropriate size and shape. The formed tablets or blocks may if desired be wrapped (to avoid moisture pick-up), and losses due to evaporation), and the wrapping may conveniently be a water-soluble film – made from a synthetic resin such as polyvinyl alcohol, for example – to obviate any need for the block to be unwrapped before being placed in position. 40

Preferred embodiments of compositions according to the present invention are those which are formed by extrusion or compression techniques, wherein the constituents are sufficiently plasticized under compression or heating, but not necessarily formed into a liquid composition as such could not be extruded using a conventional extruder. Thus Sheridan and his melt casing compositions and processes would at the outset not be considered as suited for use in extrusion processes.

The Examiner's further reliance upon the Kook reference does not address or overcome the foregoing shortcomings in of the Sheridan reference. At best, Kook suggests the utility of p-dichlorobenzene or naphthalene as a constituent in a cast melted or compression formed tablet or block. With regard to the former, Kook notes at col. 1:

The objectives of this discovery are accomplished by placing a solid composition comprising:
A. 10% to 65%, by weight, of sodium bisulfate, and
B. 90% to 35%, by weight, of p-dichlorobenzene, or naphthalene or a mixture of the two, within a toilet bowl above the water line. The solid composition may be placed such that it does or does not come into contact with flushing water.

With regard to the latter, Kook notes a col. 2:

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- 25 The compositions can be made by the following steps. Into a mold of suitable size, e.g., 3 inches X 2 inches X 1 inch, is placed solid p-dichlorobenzene. The mold is then heated to a temperature sufficient to melt the p-dichlorobenzene, e.g. 55°-60°C. Thereafter, solid
- 30 particles of sodium bisulfate are added to the mold. At this point the mold is allowed to partially cool. Just prior to the time the p-dichlorobenzene solidifies, the mixture is stirred or agitated to evenly disperse the solid particles of sodium bisulfate throughout the p-
- 35 dichlorobenzene. After stirring, a suitable means for holding is inserted into the composition. Finally, the p-dichlorobenzene is allowed to completely solidify. Naphthalene or a mixture of the two can also be used in this melt forming step.
- 40 Alternatively the sodium bisulfate and p-dichlorobenzene or naphthalene can be compacted into a shaped, solid composition by use of a compactor, press, or the like.

The Examiner's proposed combination of Kook with Sheridan would not alter the type of blocks or compositions taught by Sheridan in any way which would make them meaningful to the present claims. Such a combination would only add one or more of p-dichlorobenzene or naphthalene into Sheridan's compositions which necessarily include his specific mixed alkanolamides further in conjunction with his specifically identified nonionic surfactant. Further, Kook's compositions and methods of manufacture are also either a melt casting operation, wherein a flowable liquid is formed and poured into a suitably sized mold and allowed to cool and harden, or a discrete quantity of a composition placed into a die cavity and compressed. The latter however is not an extrusion operation, nor would the need for a plasticizing constituent be recognized as a single compression step is used to form the solid, and a semi-solid mass is not transported as within an extruder as in an extrusion operation. Thus, the addition of p-dichlorobenzene or naphthalene does not otherwise alter the necessary constituents of Sheridan's compositions, nor essentially change the nature of Sheridan's process and as such Kook combined with Sheridan does not fairly render the currently presented claims as being obvious.

Accordingly, reconsideration of and withdrawal of the outstanding grounds of rejection is requested.

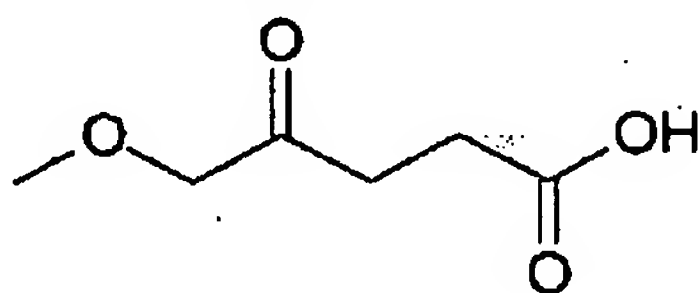
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Regarding the rejection of claims 1 – 5 under 35 USC 103(a) in view of US 6035869 to Quebedeaux (hereinafter simply “Quebedeaux”):

The applicant respectfully traverses the Examiner’s rejection of claims in view of the QQ reference.

In the Office Action, the Examiner states that “... wherein one utilizable oil is ethyl succinate (which reads on the recited formula), and other additional adjuvants like bleaches..”

The structure of monoethyl succinate, is as follows:



As is evident from the above, a single ester moiety is present in the molecule, as opposed to the diester constituent claimed by the applicant. Therefore QQ does not teach the utility of applicant’s claimed compounds, and reconsideration and withdrawal of the rejection is solicited.

With reference to the newly presented claims, it is further pointed out that QQ clearly recites that his compositions essentially require one or more of a limited class of amine oxides, as he states in col. 1:

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It has now been found that satisfactory cleaning of dishes
may be accomplished by washing them with a cleaning
implement which has been charged with the detergent in a
solid block made from a formulation having a water-soluble
alkali metal salt content of 15–60% by weight and a sur-
factant content of 10–70% by weight, said surfactant com-
prising 15–100% by weight of at least one amine oxide
corresponding to the formula $RR'R''NO \cdot nH_2O$ in which R
and R' are independently selected from methyl, ethyl, and
2-hydroxyethyl, R'' is a primary alkyl group containing
12–16 carbons, and n represents 0, 1, or 2.

A newly presented claim limits the applicant's claimed compositions to require as the sole surfactant composition present one or more anionic surfactants, as is demonstrated by the applicant's examples of their inventive composition.

The Examiner is respectfully reminded that a reference may teach away from a use when that use would render the result inoperable. *McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 1354 [60 USPQ2d 1001] (Fed. Cir. 2001). Further "A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant." *In re Gurley*, 27 F.3d 551, 553 [31 USPQ2d 1130] (Fed. Cir. 1994). The applicant's new claims 14 and 15 limit the surfactants present, and are thus distinguishable over the prior art of record which expressly require the presence of one or more nonionic surfactants.

Should the Examiner in charge of this application believe that telephonic communication with the undersigned would meaningfully advance the prosecution of this application, they are invited to call the undersigned at their earliest convenience.

The early issuance of a *Notice of Allowability* is solicited.

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PETITION FOR A ONE-MONTH EXTENSION OF TIME

Applicants respectfully petition for a one-month extension of time in order to permit for the timely entry of this response. The Commissioner is hereby authorized to charge the fee to Deposit Account No. 14-1263 with respect to this petition.

CONDITIONAL AUTHORIZATION FOR FEES

Should any further fee be required by the Commissioner in order to permit the timely entry of this paper, the Commissioner is authorized to charge any such fee to Deposit Account No. 14-1263.

Respectfully Submitted;



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Date:

CERTIFICATION OF TELEFAX TRANSMISSION:

I hereby certify that this paper is being telefax transmitted to the US Patent and Trademark Office to telefax number: 571 273-8300 on the date shown below:



Allyson Ross



Date:

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